IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Revision No. 468/2001
(Old No. 1243 of 1993)

Ashok Kumar ……Revisionist

Versus

1. State of U.P.
2. Project Officer (Agriculture), Almora …….Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist despite service. Heard A.G.A. and perused the record.

This is a criminal revision under Section 397/401 of the Code of Criminal Procedure (for short 'Code') against the order dated 2.9.1992 passed by the Chief Judicial Magistrate, Almora in criminal case no. 1639/1992 whereby the cognizance was taken on the charge-sheet filed after investigation and the revisionist-accused was accordingly summoned for the date fixed.

The main contention of the revisionist-accused was that the order passed in non-speaking in the sense that the learned Magistrate has not applied his mind before taking cognizance under Section 190(1)(b) of the Code. Having gone through the record, it is evident that the allegations of the complainant were found established after the investigation and the government property was found misappropriated fraudulently. The consignment of the fertilizer was to be sent to the destination of the complainant but it was not so done by the revisionist-accused. The revisionist-accused was thus charge-sheeted and while taking cognizance of the charge sheet. The learned Magistrate is not supposed to pass a detailed order in regard to his satisfaction regarding the prima-facie case against the culprit when a charge-sheet is submitted and cognizance is taken under Section 180(1)(b) of the Code.

Considering this, the impugned order dated 2.9.1992 does not suffer from any impropriety and therefore the revision is devoid of merit. The revision is dismissed. Stay order dated 10.9.1993 is vacated. The learned CJM, Almora is directed to expedite the trial in criminal case no. 1693/1992: project officer Vs. Ashok Agrawal.

(Irshad Hussain, J.)

Dated 25.03.2004

Rawat